

for nuclear weapons and has not signed the Comprehensive Test Ban Treaty.

Nevertheless, I supported the Hyde Act of 2006 which authorized the President to conclude a nuclear cooperation agreement with India because it included provisions which would help preserve the nuclear nonproliferation regime.

Under the terms of that bill any nuclear cooperation agreement will be terminated if India conducts a nuclear test, proliferates nuclear weapons or nuclear materials, or breaks its commitments to the International Atomic Energy Agency; the President must determine that India is meeting its nonproliferation commitments; the Nuclear Suppliers Group must decide by consensus and according to its rules to open nuclear trade with India; the export of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water is prohibited; the President must create a program to monitor the end use of items exported to India to ensure that they are not diverted to nonpeaceful activities; and no action may be taken to violate U.S. obligations under the Nuclear Non-Proliferation Treaty.

The question now before us is whether the agreement negotiated by the Bush administration conforms with the Hyde Act and U.S. nuclear nonproliferation efforts.

I understand the serious questions that have been raised by many nuclear nonproliferation experts and my colleagues about critical parts of this agreement. By opening trade in civil nuclear fuel and technologies, will this agreement indirectly benefit India's nuclear weapons program by freeing up domestic resources for military purposes? Does India agree with the administration that, under U.S. law, if India breaks its moratorium and tests a nuclear weapon U.S. nuclear trade will be terminated? Will our partners in the Nuclear Suppliers Group follow suit? Why has India not filed a declaration with the International Atomic Energy Agency of its civil nuclear facilities that will be subject to international safeguards as required by the Hyde Act? Why did the exemption for India approved by the Nuclear Suppliers Group not include guidelines barring transfer of sensitive nuclear technologies to states, like India, who have not signed the Nuclear Non-Proliferation Treaty?

I believe the legislation now before us addresses many of these concerns. It requires the President to certify that the agreement is consistent with our obligations as a party to the Nuclear Non-Proliferation Treaty and will not help India acquire or build nuclear weapons; states that it is the policy of the United States that, in the event nuclear trade between India and the United States is suspended, such as following a Indian nuclear test, the United States will work to prevent the

transfer of nuclear technologies and materials from other members of the Nuclear Suppliers Group or any other source. It also requires the President to certify that the safeguards agreement between India and the International Atomic Energy Agency has come into force and India has filed a declaration of its civil nuclear facilities that will be subject to those safeguards before nuclear trade can begin. It also requires the President to certify that it is the policy of the United States to work with the other members of the Nuclear Suppliers Group to restrict the transfer of sensitive nuclear technologies relating to the enrichment of uranium and reprocessing of spent nuclear fuel.

And while I appreciate the assurances from the administration that, in accordance with U.S. law, nuclear trade with India would cease in the event a nuclear test, I will support an amendment by Senator DORGAN and Senator BINGAMAN to make this action clear.

As I indicated before, I would have preferred more time to debate this critical agreement. Yet I am also conscious of the fact that if we had used the full 30 days to consider this agreement, we would be presented with a simple up or down vote on a one sentence resolution approving the agreement.

I appreciate the fact that we have the opportunity with this legislation to lock in additional requirements and oversight of U.S.-Indian nuclear trade.

U.S.-Indian relations have come a long ways since the days of the Cold War. We have overcome distrust and skepticism and have begun to build a fruitful, mutually beneficial relationship between the world's largest democracy and the world's oldest democracy.

Whatever the problems we will face in the global arena in the next century, we will need to work with India.

By approving this legislation, we will not only open the door to the trade in nuclear materials and nuclear technology—and provide new opportunities for U.S. businesses—we will open the door to closer cooperation on issues vital to U.S. national security interests in South Asia and around the world.

This is not the end of our efforts to bring India into the nuclear nonproliferation mainstream. This is one step that should be followed by close congressional oversight and robust and sustained American diplomacy.

I urge my colleagues to support the bill.

Mr. AKAKA. Mr. President, I rise to express my opposition to the United States-India agreement on nuclear energy.

The agreement states it is intended for cooperation on the peaceful uses of nuclear energy and for other purposes. It is the phrase "for other purposes" that is most troubling. As I have seen over the years, it is always prudent

that one requests all of the specific details of any agreement before approving such a deal. And the details of this agreement are most disturbing.

If you agree with me that the proliferation of weapons of mass destruction is one of the greatest threats to humanity's continued existence then you should agree that preventing proliferation should be one of the cornerstones of our foreign and national security policy. Thus, there are only two reasons to support this agreement: first, it would enhance our international efforts to prevent proliferation, and second, it would prevent further testing of nuclear weapons on the South Asian subcontinent.

Unfortunately, this agreement does neither. Instead it enhances the risk of proliferation and ensures additional testing of nuclear weapons in South Asia.

This agreement undermines the Nuclear Non-Proliferation Treaty, NPT, and other agreements that have been essential to our efforts for decades to prevent states from developing nuclear weapons. India is one of three states that has never signed the NPT, nor has it signed the Comprehensive Test Ban Treaty, CTBT. Nothing in this agreement requires India to do either. In effect, India will gain all the rights of a nuclear state and bear none of the responsibilities. Nothing in this agreement requires India to commit to eventual disarmament—an objective that even the United States, as a treaty signatory, accepts. It is possible to conceive of an end-state in which the United States and Russia disarm, but, in the case of India, there is nothing in this agreement that requires India to do so. This agreement would allow India to maintain a nuclear arsenal in perpetuity.

As of today, the United States is a signatory to the CTBT—although the Senate has not yet ratified the treaty—but India is not. The United States has agreed to greater safeguards and constraints on its nuclear weapons program than has India. This is an extraordinary exception that the Senate is being asked to accept.

Equally important, this agreement undermines our efforts to contain the spread of nuclear weapons to countries of concern. Right now those countries are North Korea and Iran. We do not know what adversaries tomorrow will bring. Even so, our concerns over the Iranian and North Korean clandestine nuclear programs are sufficient to warrant disapproving this exception for India's clandestine program. When the United States is trying to encourage Iran and North Korea to scale down and eliminate their nuclear weapons programs, to enter into a cooperation agreement with India for nuclear energy purposes would be sending the wrong message.

I wish to remind my colleagues that the United States has been arguing that the International Atomic Energy Agency, IAEA, and the United Nations